

In re of Appln. No. 09/893,228

Dkt. 0829/63346/JFW/PT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gal Trifon, et al.

Serial No.: 09/893,228

Examiner: Michael Bekerman

Filed : June 27, 2001

Group Art Unit: 3622

For : METHOD AND SYSTEM FOR GENERATING BURSTING-MESSAGES

1185 Avenue of the Americas  
New York, New York 10036  
May 31, 2007

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

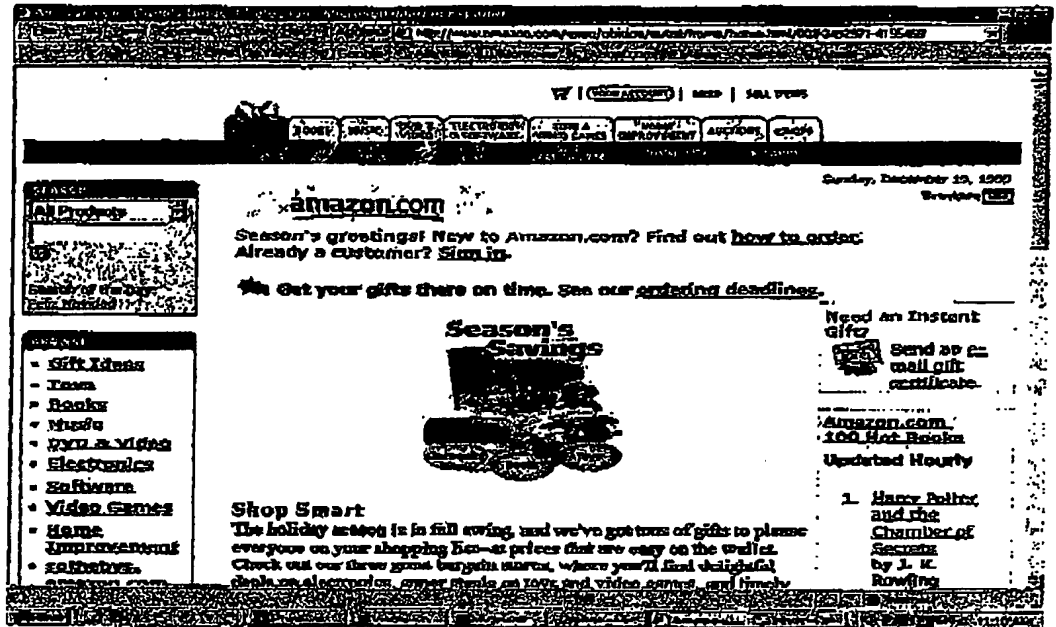
**DECLARATION UNDER 37 CFR 1.131**

Sir:

The undersigned, who are inventors of the subject matter disclosed and claimed in the above-identified Application, declare and state the following:

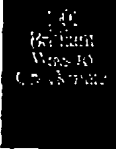
That they conceived the claimed invention in Israel prior to December 31, 1999. Specifically, after commencing working on the idea in November 1999, a detailed PowerPoint presentation of the invention was presented in-house on December 22, 1999 to management of the company for which the inventors work and to which the application is assigned. This proposal is attached hereto as Exhibit A.

It is submitted that the PowerPoint presentation demonstrates that not only had the invention been conceived but that it was reduced to practice. Thus, for example, the PowerPoint presentation includes the following host web page:



The following is an example of a bursting message that floats across the page and comes to rest mid-way:

**1001 Brilliant Ways to Checkmate**  
by Fred Reinfeld



List Price: \$10.00  
**Our Price: \$8.00**  
You Save: \$2.00 (20%)

**Availability:** This title usually ships within 2-3 days.  
**Need this by December 24? Select Next Day Air shipping method (U.S. addresses).**

**amazon.com**

It is thus clear and is attested to by the undersigned that the software components required to achieve this result had already been developed prior to the presentation of the PowerPoint presentation on December 22, 1999.

Moreover, the PowerPoint presentation includes slides demonstrating the required software components and their manner of operation. These details find expression in the patent application that was subsequently prepared.

Between December 1999 and June 2000, efforts were made in order to establish the marketability of the technology and product subject of the application and to determine the "best mode" that would serve as the basis for a patent disclosure. All this was done at the same time as promoting what was then an infant company, with all that is involved in the early stages of a Startup. The decision to file a patent proceeded in opening of a file in Israel at the Israeli patent attorneys' office of Luzzatto & Luzzatto on April 11, 2000. Drafting of a patent application then proceeded diligently, including preparation, review, and amendment of three patent application drafts. The final approved application was filed at the Israel Patent Office on June 29, 2000 as Israel Application No. 137106, from which Convention Priority is claimed and a copy of which is therefore already on file at the USPTO.

The undersigned hereby further declare that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be

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true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Gal TRIFON

Date

Nir BEN-ZVI

Date

Ofar ZADIKARIO

Date

Amir HARDOOF

Date

May 21, 2007